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CONVENTION PLACES BAR ON CAMPAIGN FOR IMPROVEMENT OF JUDICIAL SYSTEM

Restriction on Administrative Agencies Urged

Adoption of Mexican Water Treaty Decried Essential

Oppose Service Tax Re-enactment

In a two-day session, packed with many activities, the forty-seventh annual convention of the Colorado Bar Association placed the bar on an aggressive campaign for the improvement of the judicial system and for the betterment of the lawyer. The convention, which was held at the Broadmoor Hotel in Colorado Springs on October 13 and 14, 1944, took action which:

1. Urged the Congress of the United States to pass immediately Senate Bill 1914 which provides in effect that any attorney who is admitted to practice before any federal court or any state supreme court shall be entitled to practice without further requirement before any federal board or bureau.

2. Urged the Congress of the United States to pass without further delay the McCarran-Sumners Bill which provides for standard methods of administrative procedure and a uniform method of review of decisions of federal bureaus and boards and requires publicity to be given to rules and regulations of any such board or bureau.

3. Urged that Congress give immediate approval to the proposed treaty with Mexico regarding the division of waters in the Colorado River, declaring the approval of such treaty was fair and just and was necessary for the economical development of Colorado and the Colorado River basin states. This action is in opposition to the action of the House of Delegates of the American Bar Association which disapproved of the administrative features of this treaty.

4. Adopted a resolution requesting the President to appoint a committee to undertake the study of the establishment of a non-political judiciary in the state of Colorado and requesting the committee to submit plans for judicial tenure and selection.

5. Urged the 1945 legislature not to re-enact the service tax act.

6. Approved four proposed bills relating to the county courts, one of which limits the selection of county judges to attorneys admitted to practice in the state of Colorado and over the age of twenty-five years, but the bill does not apply to the fifth class counties. Another provides for additional compensation for clerks and their assistants in county

courts, a third provides for an increase of the salaries of the county judges outside of Denver and the final bill provides for adoption of the flat fee system in the various counties in probate matters.

7. Amended the by-laws to provide for a reduction in dues to newly admitted attorneys for the first three years of their practice and to provide a method of apportionment of the dues for attorneys joining the association after the start of a fiscal year.

8. Approved the adoption of committee reports which urged the ultimate integration of the bar in the state; suggested methods of improving judicial administration; and provided for expanded programs dealing with criminal law revision, water law revision, and extended traffic court conferences.

9. Provided methods to aid lawyers returning from the military service.

War Memorial Services

This work by the convention was accomplished among constant reminders of the part the bar association was playing in the war effort. One of these reminders was a large placard on which were hung small notebooks addressed to each member of the association serving in the armed forces. Lawyers were urged to write a note in these booklets to their friends in service. Another reminder was presence at the convention of a number of lawyers in military uniform, while another was the presence of the military legal officers of the various army posts in this region who had come to attend a conference of legal assistance officers which was held under the direction of Lt. Col. Milton J. Blake, Chief of the Legal Assistance Officers of the J. A. G. office in Washington, D. C. Another reminder was the presentation of awards of merit by the War Department and by the Navy Department. The Navy Department award was presented by Capt. Frank N. Roberts and the War Department award was presented by Lt. Col. Milton J. Blake. But the most forceful reminder of all was the memorial services in honor of Colorado lawyers who had given their lives to their country. The services were conducted by the military personnel of Camp Carson under the direction of Col. Wilfred Hunt, Commanding Officer. In a colorful ceremony these army men presented the flag to the convention while a bugler offstage blew "to the colors." Following this service one of the Camp Carson chaplains delivered a short memorial prayer which was followed by the bugler blowing taps.

Officers Elected

The convention elected as its officers for the coming year Benjamin E. Sweet, President, Denver; Frank L. Moorhead, President-Elect, Boulder; Robert G. Smith, Senior Vice-President, Greeley, and Hubert D. Henry, Denver, Marion F. Miller, La Junta, and Edward L. Dutcher, Gunnison, as Vice-Presidents. The Board of Governors reappointed

Vernon Ketring of Denver as Treasurer and the president selected Wm. Hedges Robinson, Jr., to act again as Secretary.

"Two wars of a single generation challenges America to find a solution for the difficult and complicated problem of security," Manley O. Hudson,* Judge of the Permanent Court of International Justice, declared on Friday night when he gave the annual address before the association. "The necessity for international organization stands out with striking clarity," he stated, "and America's seclusion has vanished in a modern world."

Judge John C. Knox, presiding judge of the Federal District Court for the Southern District of New York, was the chief speaker at the Saturday night banquet. Judge Knox pointed out some of the constitutional problems that face the United States in joining international organizations and urged that we carefully consider the problems which confront the American people as a result of the coming peace.

The Board of Governors, meeting on the same dates as the convention, approved the proposed legislation offered to it by the County Judges' Association relating to salaries for judges and clerks, flat fees, and requirements to office, and recommended a resolution asking for ratification of the Mexican Water Treaty, and other resolutions urging passage by Congress of Senate Bill 1914 and the McCarran-Sumners Bill. It rejected a proposal to make lay judges members of the association, and approved amendments to the by-laws relating to dues. It also conferred honorary memberships on Judge Knox and Judge Hudson. Wilbur F. Denious was selected by the board as the association representative to the House of Delegates of the American Bar Association.

War Emergency Committee Meets

The Lawyers' War Emergency Committee held a joint meeting with th legal assistance officers of the various army fields in the area on Saturday morning. The meeting was presided over by Lt. Col. Blake and many problems were discussed which affected the functioning of the two groups.

The main session of the convention was opened Friday afternoon and consisted of addresses* by Judge John R. Clark on "Foundational Topics," Edwin J. Wittelshofer on "Real Estate Standards," Thomas Keely on "Proposed Changes in Colorado Rules of Procedure" and G. Walter Bowman on "Proposed Changes in Federal Rules of Procedure."

The Saturday morning session was opened with a symposium on practice before federal agencies. Speakers for that symposium were J. Glenn Donaldson, G. Dexter Blount, Martin Kurasch, Allen Moore.

*Judge Hudson's address has been published in full in the American Bar Journal.

*These addresses here have been or will be printed in DICTA.

Other speakers at the convention were George Evans who spoke on federal tax law problems and Lt. Col. Milton J. Blake, Capt. Frank Roberts and Wilbur F. Denious who reported on the American Bar Association.

On Friday morning section meetings were held by the water section, the probate, real estate and trust law section, the junior bar section and the district attorneys' section. The district attorneys' section had for its speakers Governor John C. Vivian, who spoke on "Pardons and Paroles," H. Lawrence Hinkley on "Appeals in Criminal Cases"; a representative of Staff Judge Advocate's Office on "Coordination of Civil and Military Authority; Thomas J. Morrissey, on "Our Present Day Problems"; Judge George A. Luxford on "The Judicial Point of View," and Mr. Harry V. Hilderston on "Outline of School's Progress to Date."

The water section, after considering proposed legislation to be presented to the incoming legislature dealing with simplification of notice and transfer suits, abandonment, burden of proof in transfer cases and incorporation of mutual ditch companies, considered the Mexico Irrigation Treaty and unanimously adopted a resolution requesting Congress to ratify this treaty as highly beneficial to Colorado and the Colorado River states and referring the matter to the main convention for action.

Probate Section Approved Legislation

At the meeting of the probate, real estate and trust law section Hubert D. Henry, member of an American Bar Association committee drafting a model probate code, reported that the draft by the committee has been completed. This draft will be studied and criticized by the committee, it being expected to present the committee's final draft to the section of the American Bar Association at the 1945 annual meeting.

In view of this situation the Colorado section approved amendments to about a dozen sections, deemed necessary to fill deficiencies until the complete code can be studied. These amendments relate to notice to creditors, filing claims, and making some sections jibe with the six-month period for filing claims. It also approved a new investment statute for fiduciaries, which is not covered by the model code.

The final wording of the amendments was left to the legislation committees of the section and the County Judges' Association.

The new officers and council of the section are Floyd Walpole, Chairman, Denver; Benjamin F. Koperlik, Vice-Chairman, Pueblo; and Albert S. Isbill, Secretary-Treasurer, Denver. The council members are Harold Ward Gardner, Golden; John L. Griffith, Denver; Judge William A. Mason, Glenwood Springs; G. Russel Miller, Colorado Springs; Harry Petersen, Pueblo; and Benjamin A. Woodcock, Greeley.

With most of its members in the armed services, the Junior Bar Section elected as officers: William R. Newcomb, Denver, as Chairman; Warren Kent Robinson, Denver, as Vice-Chairman; Ruth Gottlieb, Denver, Secretary; and Donald M. Leshner, Denver, Treasurer.

A group of representatives from each bar association in the state met on Friday morning to discuss real estate standards. This meeting was called by Edward J. Wittelshofer, state committee chairman, to bring about a uniform state-wide system of real estate standards to replace the present county or regional standards now in effect in many parts of the state. This meeting laid the groundwork for a system of standards which it is hoped to be put into effect in the near future.

The convention was preceded by a meeting of the district judges' association on Thursday. This group discussed methods of court administration with the clerks of the various courts. The association selected Judge Henry S. Lindsley of Denver as President for the coming year.

The county judges' association also met Thursday and selected as its officers Wm. E. Buck of Boulder, President; Judge Irvin E. Jones of Colorado Springs, Vice-President; and Judge Hubert Glover of Pueblo, Secretary. The county judges' association decided to sponsor legislation relating to the same type of legislation which will be sponsored by the bar association and in addition certain amendments to the proposed code which will also be sponsored by the probate, real estate and trust law section.

Entertainment at the Friday luncheon of the convention was provided by the El Paso County Bar Association who secured Paul Fox, an expert in the art of legerdemain, and the Saturday luncheon group were entertained by a very delightful biblical story presented by T. E. Munson of Sterling.

Fundamental Observations†

BY HON. JOHN R. CLARK*

The year hand on the clock of Father Time has again completed its circuit and we are privileged once more to extend our salutations and greetings to this gathering of grand fellows—the bar of Colorado—in convention assembled. It is our sincere hope that by means of this meeting you may not only satisfactorily transact the business of your association and, while so engaged, gain much information and useful knowledge to aid you in your future labors, but also that from it you may derive a degree of relaxation from the grind you have been obliged

†President's Annual Address, Colorado Bar Association, October 13, 1944.

*District Judge, retiring president Colorado Bar Association.